

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.

d/b/a BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

V.

HARLEY-DAVIDSON MOTOR COMPANY, INC.,

and BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

Civil Action
No. 04 11402 NMG

PLAINTIFF CYCLE-CRAFT CO., INC.'S
MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1,
Plaintiff Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell (“Cycle-Craft”)
hereby moves for summary judgment on Count I of its Amended Complaint under Mass.
Gen. Laws. Ch. 93B.

As grounds for and in support of this Motion, Cycle-Craft relies on and incorporates fully herein its Statement of Undisputed Facts, its Memorandum of Law in Support of Motion for Summary Judgment, and its Appendix in Support of Motion for Summary Judgment, filed herewith.

Based on the foregoing, Cycle-Craft requests that this Court grant its Motion for Summary Judgment.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), counsel for Cycle-Craft hereby requests oral argument on the issues raised in this Motion.

Respectfully submitted,

/s/ James C. Rehnquist
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Dated: August 30, 2005

LOCAL RULE 7.1A(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for Cycle-Craft conferred with counsel for Harley-Davidson in a good faith effort to determine whether defendant would assent to this Motion. The issues could not be resolved or narrowed and counsel for Harley-Davidson declined to assent to the Motion.

Dated: August 30, 2005

/s/ Christopher C. Nee